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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,179	09/15/2003	Jerald C. Seelig	619.489 ACC.CIP-Bingo Nig	1427
21707	7590	07/07/2005	EXAMINER	
IAN F. BURNS & ASSOCIATES			LAYNO, BENJAMIN	
P.O. BOX 71115			ART UNIT	
RENO, NV 89570			PAPER NUMBER	
			3711	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/663,179	Applicant(s) SEELIG ET AL.	
	Examiner Benjamin H. Layno	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/03/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments with respect to claims 1m 5-20, 25-32, 36-43, 45,47, 51 and 53-55 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

2. Claims 1, 5-19, 32, 36-43, 45, 47 and 51 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 22-36 of U.S. Patent No. 6,817,945 in view of Rivero.

3. The Applicant is referred to the first Office action mailed 2/16/05.

4. The patent to Rivero disclose a gaming device comprising a gaming device housing 1, a rotatable cage-like display container 2, a plurality of moveable objects 17 inside the rotatable cage-like display container, and an actuator (motor) configured to rotate the cage-type display container. In view of such teaching, it would have been obvious to modify the rotatable display container of U.S. Patent No. 6, 817,945 such that it forms a rotatable cage-type display. This modification would have made the gaming device of U.S. Patent No. 6, 817,945 look more like a lottery game, and thereby attract lottery players.

5. Claims 20 and 25-31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 29-39 of U.S. Patent No. 6,338,678 in view of Rivero. The patent to Rivero disclose a gaming device comprising a gaming device housing 1, a rotatable cage-like display container 2, a plurality of moveable objects 17 inside the rotatable cage-like display container, and an

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actuator (motor) configured to rotate the cage-type display container. In view of such teaching, it would have been obvious to modify the rotatable display container of U.S. Patent No. 6,338,678 such that it forms a rotatable cage-type display container. This modification would have made the gaming device of U.S. Patent No. 6,338,678 look more like a lottery game, and thereby attract lottery players.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glasson et al. in view of Rivero.

8. The Applicant is referred to Glasson et al. in the first Office action. Glasson discloses a video image of a bingo ball container, and recites "an animation of bingo balls being mixed in a barrel-like container", paragraph [0041]. Furthermore, Glasson gaming device discloses a controller 36, and a controller selectable object 48 in communication with the controller. The controller selectable object 48 is displayed to the player as video image of a number corresponding to a bingo ball that was selected from the barrel-like container. Thus, the controller selectable object 48 is substantially similar in appearance to the bingo balls in the barrel-like container. Thus giving the illusion that the controller selectable object 48 is one of the bingo balls from the barrel-

like container. Glasson also discloses a game display 58-62 in communication with the controller. The game display comprises a plurality of display positions representing bingo cards. The bingo cards clearly have a matrix of cells formed in rows and columns. Each cell is correlated to a display position, wherein the controller is configured to select a bingo ball, the display symbol or number on the selected bingo ball is displayed on the game display until either a row, a column or a diagonal of the matrix is filled with display symbols or numbers, paragraphs [0041] – [0043]. In a primary game a player may select one bingo card 58-62 to play the game. A bonus game may be provided if a player chooses more than one bingo card, paragraph [0007].

9. The patent to Rivero disclose a gaming device comprising a gaming device housing 1, a mechanically rotatable cage-like display container 2, a plurality of moveable objects 17 inside the rotatable cage-like display container, and an actuator (motor) configured to rotate the cage-type display container. Also, rotatable cage-like display containers are well known in the bingo games.

10. In view of such teaching, it would have been obvious to modify Glasson's barrel-like container such that it is in the form of a mechanical or video image of rotatable cage-like display container. The mechanical rotatable cage-like display container would have been horizontally mounted inside Glasson's gaming device, and would have been rotated by a motor. Using a clutch, a flange connected to the rotatable cage-type display, and a belt in communication with the motor would have been an obvious and well-known means of driving the rotatable cage-like display container. The rotating motion of the cage-like display container agitates the moveable objects or bingo balls.

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This modification would have made Glasson's gaming apparatus look more like a bingo game, and thereby attracting bingo players. Determining the shape of the rotatable cage-like display container (e.g. sphere, cylinder, etc.) would have simply been an aesthetic design choice, which is always obvious in the art. Furthermore, it would have been obvious to a person having ordinary skill in the art to provide an attraction mode wherein the rotatable cage-like display container continues to rotate when no active game is being conducted in Glasson's gaming device.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claim 52 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

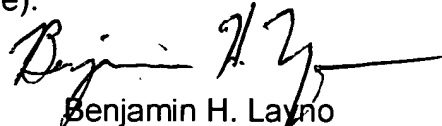
The "at least one rod" is not recited in the specification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571)272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin H. Layno
Primary Examiner
Art Unit 3711

bhl